

Application No. 10/700,339

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Docket No.: 57119(72011)

REMARKS

Claims 38 and 39 have been added. No new matter has been added by virtue of the new claims. Support for the new claims appears e.g. in the original claims of the application.

Applicants respond to the prior Office Action as follows.

Claims 1-6, 16, 17, 21, 22 and 32-35 were rejected under 35 U.S.C. 103 over US 3589846 (Place) in view of EP385910 and US 5660042 (Pfefferle et al) and US 5899684 (MCoy) in view of newly cited US 5206484 (Issartel) and US 4106889 (Katchka). The rejection is traversed.

Pfefferle reports an aircraft gas turbine combustor. Pfefferle does not disclose or otherwise suggest a ceramic igniter or use of such an igniter with an appliance as Applicants claim.

Indeed, contrary to the premise of the instant rejection, the cited element of Pfefferle employed in an **aircraft gas turbine combustor** is quite distinct from and would not have been used in the clothing-dryer system reported in the Place document. Clearly, the skilled worker would not have looked to an aircraft turbine for design of a clothes dryer system.

None of the cited documents suggest use of an element of in an **aircraft gas turbine combustor** in appliances as Applicants claim. Independent, new claims 28 and 29 specifically call for *gas-fired stove, oven, clothes dryer or water-heater*.

In the Office Action (page 3) McCoy et al. is cited for apparent support that it would have been obvious to use an element of an in an **aircraft gas turbine combustor** in a distinct system as proposed by the instant rejection. However, none of the art equates such elements as proposed by the instant rejection.

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Respectfully, for such reasons, the instant rejection appears based on impermissible hindsight reconstruction of Applicants' claimed invention, rather than any type of requisite motivation in the prior art itself to substantiate the combination as is required under 35 U.S.C. 103. See, for instance, MPEP §2143.01.

Additionally, there is no disclosure of record to indicate that a re-ignition time period is about six seconds or less would be expected for the cited systems.

Indded, the report of "near instantaneous relight" in the Pfefferle document is not a disclosure of six seconds or less as Applicants claim. Such a vague report does not indicate any specific time periods and clearly does not indicate six seconds or less. Nor does the Pfefferle document provide any specific disclosure of how such "near instantaneous relight" might be achieved.

In view thereof, reconsideration and withdrawal of the rejection are requested.

Claims 36 and 37 were rejected under 35 U.S.C. 103 over US 3589846 (Place) in view of EP385910 and US 5660042 (Pfefferle et al) and US 5899684 (MCoy) in view of newly US 4418661 (Esper), US 5233166 (Maeda et al) or US 4762982 (Ohno et al). The rejection is traversed.

Claims 36 and 37 are dependent claims. Accordingly, Applicants repeat and incorporate by reference herein their comments above from the prior rejection.

As understood, the premise of the instant rejection is that the skilled worker would have readily utilized a sintered ceramic igniter element in the Place system.

Again, none of the cited art proposed such a combination. See MPEP Section 2143.03: "To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art.

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In view thereof, reconsideration and withdrawal of the rejection are requested.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Dated: September 29, 2008

Respectfully submitted,

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